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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,349	12/09/2003	Mario Meggiolan	CAM3-PT011.1	3561

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EXAMINER

BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,349

Applicant(s)

MEGGIOLAN, MARIO

Examiner

Jason R Bellinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-9, 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Allowable Subject Matter

1. The indicated allowability of claims 3 and 11, which have been incorporated into claims 1 and 9, is withdrawn in view of reconsideration of the reference(s) to Dietrich and Baker. Rejections based on the reconsidered reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-9, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich ('293) in view of Baker. In Figure 4, Dietrich shows a spoke bicycle wheel having a hub 72 with a first securing portion 74 spaced apart from a second securing portion 76 in the direction of the longitudinal axis of the hub 72, and a rim 78. A plurality of spoke groups made up of four spokes (namely two adjacent radial spokes 80 and a pair of oppositely oriented tangential spokes 82) connects the rim 78 to the hub 72.

Two spokes in each spoke group are attached to the first portion 74 of the hub 72 (namely the radial spokes 80), while the remaining spokes are attached to the second portion 76 of the hub 72 (namely the tangential spokes 82).

The spokes of each group include at least one radial spoke 80 and the remaining spokes are non-radial 82. The points of attachment on the rim 78 for the spokes of each

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radial member 80 are mutually equidistant around the circumference of the rim 78. The spoke of each group includes at least one spoke in a clockwise orientation, and at least one spoke in a counter-clockwise orientation. The total number of spokes on the wheel oriented in the clockwise direction is the same as the total number of spokes on the wheel oriented in the counter-clockwise direction.

The plurality of spoke groupings are assembled to the hub 72 and rim 78, with two spokes in each group attached to the first portion 74 of the hub 72 and the remaining two spokes in each group attached to the second portion 76 of the hub 72. The spokes are then tensioned to achieve centering of the wheel 70.

The hub 72 is elongated with the spaced apart first and second securing portions (74 and 76, respectively) that each define a plurality of spoke receiving apertures, which are circumferentially spaced about the central axis of the hub 72. The rim 78 includes a plurality of spoke receiving apertures defined therein. The spokes are attached through the apertures in both the hub 72 and the rim 78.

It is believed that each spoke grouping is equidistantly spaced from each adjacent spoke grouping, due to the fact that the wheel would be unbalanced and thus would not function properly if the spoke groupings were *not* equidistantly spaced from adjacent spoke groupings. However, the Dietrich reference does not specifically set forth this limitation.

The Baker reference specifically teaches the fact that the spoke groupings **a**, **b**, and **c** are equidistantly arranged about the hub (see lines 80-83). Therefore from this

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teaching, it would have been clear to one of ordinary skill in the art at the time of the invention that the spoke groupings of Dietrich would be equidistantly spaced from each adjacent spoke grouping to provide balance and stability to the wheel.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617



S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
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jrb